

**OPINION  
44-100**

April 25, 1944 (OPINION)

SCHOOL DISTRICTS

RE: Tuition Annexation

Your letter of April 15 addressed to the Attorney General has been received and contents of same have been noted.

With reference to tuition of pupils in the grades, I beg to advise that there is no statute on same, and the school board has the right to fix the amount of the tuition to be paid by pupils from other districts.

With reference to annexation of school districts, I beg to advise that the procedure in such matters is governed by statute. If you plan on annexing another or a portion of another school district, I would suggest that you take this matter up with your county superintendent and your states attorney. If you desire to change the boundaries of your district, you should proceed under section 1146 of the Compiled Laws, which provides that:

"The board of county commissioners and county superintendent of schools upon being petitioned so to do by a majority of the school voters residing in the districts whose boundaries will be affected, shall submit to the qualified voters at the next annual school election any proposal to change the boundaries of any school district or to consolidate two or more districts already organized."

As I have pointed out, there are several statutes governing the procedure in the matter of annexing portions of other districts, attaching other districts or changing the boundaries of districts and any of these procedures will have to be approved by your county superintendent and county commissioners and for that reason any question connected with such procedure should be taken up with your states attorney and your county superintendent.

ALVIN C. STRUTZ  
Attorney General